S.B. CR.MISC.BAIL APPL.NO.7582/2007.

Rajesh
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Dheeraj Tripathi for the petitioner.
Shri Ashvini Sharma PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he was simply named in the statement of the prosecutrix as the one who took the prosecutrix with him in pickup van whereas, she alleged that Banshi, Prakash and Kailash Chand, all three of them having committed rape on her. The co-ordinate Bnech of this Court on consideration of the statement of the prosecutrix in entirety has already extended the benefit of bail to co-accused Prakash and Kailash Chand vide order dated 9/10/2007 in SB Cr.Misc.Bail Appl.No.6907/07. In fact, case of the petitioner is on better footing than those who have already been enlarged on bail. He was arrested on 23/10/2007 and since then, he is in jail. Investigation is almost complete and further detention of the petitioner is no longer required for any

purpose of investigation. Trial of the case will take long.

Learned Public Prosecutor has opposed the bail application and has argued that in view of seriousness of allegations against the petitioner, he is not entitled to be enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Rajesh S/o Manoj Kumar shall be released on bail in F.I.R. No.207/2007 P.S. Jyoti Nagar, Jaipur for offences under Sections 363 and 366A IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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